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**FILED**

APR 15 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 SALINAS DIVISION

13 UNITED STATES OF AMERICA, ) Criminal No.: CR-08-00126-HRL  
14 Plaintiff, )  
15 vs. ) STIPULATION AND [PROPOSED]  
16 JOSEPH M. SANTILLAN, ) ORDER EXCLUDING TIME  
17 Defendant. )

19 On April 7, 2008, the parties in this case appeared before the Court for a status hearing. The  
20 parties jointly requested that the case be continued from April 7, 2008, until June 2, 2008 at 9:30  
21 a.m., in order to allow time for defendant's new counsel to review the case information. In  
22 addition, the parties requested an exclusion of time under the Speedy Trial Act, from April 7,  
23 2008 to 2 June, 2008 at 9:30 a.m. The parties agree and stipulate that an exclusion of time is  
24 appropriate based on the defendant's need for effective preparation of counsel.

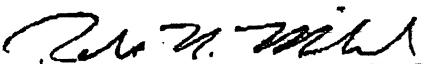
25  
26  
STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME  
CASE NO: CR-08-00126-HRL

04/15/2008 09:58 8312425198

1 SO STIPULATED:

JOSEPH P. RUSSONELLO  
United States Attorney

3 DATED: 10 April 2008

  
ROBERT N. MICHAELS  
Special Assistant United States Attorney

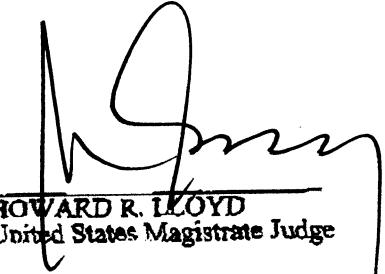
7 DATED: 10 April 2008

  
MANUAL ARAUJO  
Counsel for SANTILLAN

## 10 ORDER

11 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
12 under the Speedy Trial Act from April 7, 2008 to June 2, 2008. The Court finds, based on the  
13 aforementioned reasons, that the ends of justice are served by granting the requested continuance  
14 and outweigh the best interest of the public and the defendant in a speedy trial. The failure to  
15 grant the requested continuance would deny defense counsel reasonable time necessary for  
16 effective preparation, taking into account the exercise of due diligence, and would result in a  
17 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made  
18 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

20 DATED: 4/15/08  
HOWARD R. LLOYD  
United States Magistrate Judge